

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SIBYL COLON, :
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: :
: Plaintiff(s), :
: :
: - against - :
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: :
: NEW YORK CITY HOUSING AUTHORITY, :
: BRIAN CLARKE, MICHAEL KELLY, and :
: MELISSA MARK-VIVERITO, :
: :
: Defendant(s). :
: :
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DOC #: _____
DATE FILED: 11/4/2021

16-CV-4540 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

Today the parties appeared before me by telephone for an oral argument regarding whether I should reopen discovery in light of the newly discovered evidence (the “New Evidence”) submitted by Plaintiff, (*see* Docs. 212–15). The parties have agreed to stipulate the authenticity of the New Evidence. However, other than pointing to the New Evidence, which I find is only another item of evidence that supports Plaintiff’s theory that Hayward replaced her, Plaintiff did not present any argument as to why the issue of retaliation, among others, should not be tried by a jury. Therefore, based upon my comments during the oral argument and for the reasons stated in my May 26, 2021 Opinion & Order (Doc. 195), it is hereby

ORDERED that Plaintiff’s motion to set aside my Opinion & Order dated May 26, 2021, (Doc. 195), is DENIED;

IT IS FURTHER ORDERED that the parties shall meet and confer regarding a proposed scope of reopening discovery with regard to the New Evidence, and shall jointly file a letter on

or before November 10, 2021, to inform this Court of their proposal, or, if they fail to reach an agreement, the areas of dispute regarding the scope of reopening discovery.

SO ORDERED.

Dated: November 4, 2021
New York, New York



Vernon S. Broderick
United States District Judge